

PUBLIC SANCTIONS

FY 2007

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BEFORE THE STATE COMMISSION ON JUDICIAL CONDUCT

CJC No. 06-0064-JP

PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION

**HONORABLE LEONARDO SANTOYA
JUSTICE OF THE PEACE, PRECINCT 1
EAGLE PASS, MAVERICK COUNTY, TEXAS**

During its meeting on August 31, 2006, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Leonardo Santoya, Justice of the Peace, Precinct 1, Eagle Pass, Maverick County, Texas. Judge Santoya was advised by letter of the Commission's concerns and provided a written response. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Leonardo Santoya was Justice of the Peace, for Precinct 1, in Eagle Pass, Maverick County, Texas.

2. On or about August 8, 2005, two criminal complaints were filed against Ms. Margarita Torres for disorderly conduct stemming from an incident that allegedly took place on July 18, 2005, in the office of the Justice of the Peace for Precinct 3.
3. On or about August 24, 2005, Ms. Torres was cited by the Maverick County Sheriff's Department for disorderly conduct, and ordered to appear before Judge Santoya on September 1, 2005. It is unclear from a review of the court's records if the August 24, 2005, citations related to the July 18 incident or were new offenses.
4. According to Judge Santoya's written responses to the Commission's inquiry, on September 1, 2005, the judge held a "pre-trial hearing to ascertain what the issues were" in the case. The matter was reset to September 6, 2005, "by agreement of the parties . . . in order to continue with discovery and to locate the witnesses."
5. On September 6, 2005, a trial was held in the matter and, according to Judge Santoya, "all interested parties were present" and afforded "an opportunity to speak" and "present their case."
6. Following the trial, Judge Santoya found Ms. Torres guilty and assessed a \$200 fine for each count of disorderly conduct.
7. At no time prior to the commencement of the proceedings did Judge Santoya advise Ms. Torres of her constitutional rights, including her right to counsel, her right to remain silent, and her right to a jury trial.
8. At no time prior to the commencement of the proceedings did Ms. Torres enter a plea to the charges against her.
9. At no time during the proceedings did a prosecutor appear before Judge Santoya to present the State's case against Ms. Torres.
10. Based on a review of the court's file regarding the Torres matter, it appears that Judge Santoya failed to enter or issue a written order of conviction or judgment against Ms. Torres.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall comply with the law. . ."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part, "A judge shall maintain professional competence in [the law]."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Santoya failed to comply with the law and demonstrated a lack of professional competence in the law by proceeding to trial in a criminal case in the absence of a prosecutor, by finding the defendant guilty when no *prima facie* proof was presented to the court by a prosecutor, by failing to advise the defendant of her basic constitutional rights, and by failing to reduce the judgment of conviction to writing. The Commission further concludes that the judge demonstrated a lack of understanding of the differences between civil and criminal proceedings. Judge Santoya's actions in this matter

constituted willful violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Leonardo Santoya, Justice of the Peace, Precinct 1, Eagle Pass, Maverick County, Texas.

Pursuant to this Order, Judge Santoya must obtain **four (4) hours** of instruction with a mentor in addition to his required judicial education. In particular, the Commission desires that Judge Santoya receive this additional education in the area of criminal procedure, with particular attention given to Articles 45.101(a), 45.031 and 45.032 of the Texas Code of Criminal Procedure.

Judge Santoya shall complete the additional **four (4) hours** of instruction recited above within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Santoya's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **four (4) hours** of instruction described herein, Judge Santoya shall sign and return the Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

Pursuant to the authority contained in Section 33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor to Judge Santoya.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above be made the subject of a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** by the State Commission on Judicial Conduct.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this 29th day of September, 2006.

ORIGINAL SIGNED BY

Honorable Monica A. Gonzalez, Chair
State Commission on Judicial Conduct



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 06-0309-JP

**PUBLIC ADMONITION
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE JOSIE GOMEZ
JUSTICE OF THE PEACE, PRECINCT 2
CRYSTAL CITY, ZAVALA COUNTY, TEXAS**

During its meeting on June 13-15, 2007, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Josie Gomez, Justice of the Peace for Precinct 2, Crystal City, Zavala County, Texas. Judge Gomez was advised by letter of the Commission's concerns and provided a written response. Judge Gomez appeared with counsel before the Commission on April 18, 2007, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Josie Gomez was Justice of the Peace for Precinct 2 in Crystal City, Zavala County, Texas.
2. On or about September 9, 2005, a criminal complaint was filed in Judge Gomez' court against Erasmo Ramon, a local police officer, charging him with assault.
3. Over the course of several weeks, Judge Gomez summoned witnesses, including the complaining witness, to appear in her office, where she met with each individual privately in an attempt to "gather information pertaining to the allegations."
4. Neither a prosecutor nor Officer Ramon was present during these meetings.

5. On or about September 19, 2005, Judge Gomez issued a summons ordering the defendant, Officer Ramon, to appear in her office at 10:00 a.m. the following day, to answer to the charge of assault.
6. On or about September 27, 2005, Officer Ramon and his wife appeared before Judge Gomez, at which time he was shown a copy of the complaint made against him.
7. There is no evidence that a plea was entered by Officer Ramon in the case.
8. No other witnesses were present at this proceeding.
9. No prosecutor was present at this proceeding.
10. During the proceeding, Judge Gomez questioned Officer Ramon about the allegations.
11. There is no evidence that Officer Ramon was advised of his constitutional rights, or that he knowingly waived any of those rights.
12. On or about October 4, 2005, Judge Gomez sent a letter to law enforcement officials in which she stated that after reviewing the reports and paperwork filed in her court and interviewing some of the witnesses, she was unable to rule on the case due to lack of evidence. She then requested further investigation by police officers.
13. In a letter dated October 7, 2005, the Sheriff's Department responded to the judge by informing her that it had completed its investigation into the charges against the defendant.
14. On or about October 10, 2005, based upon her review of the complaint, the offense report, and her private discussions with the various witnesses in the case, Judge Gomez found Officer Ramon guilty of assault.
15. On or about October 12, 2005, Officer Ramon received a certified letter from Judge Gomez containing a copy of the complaint against him. On that complaint the judge had made a hand-written notation indicating that he had been found guilty. The notation also stated that a \$250 fine was to be paid by November 9, 2005.
16. Through an attorney, the defendant filed an application for a writ of certiorari with the county court, but his attempts to challenge the conviction were unsuccessful because Judge Gomez never entered a final judgment in the case.
17. The attorney also filed a motion for new trial, which Judge Gomez eventually granted on August 24, 2006. The judge also recused herself from the case at that time.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states: "A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge . . . shall maintain professional competence in [the law]."

3. Canon 6C(2) of the Texas Code of Judicial Conduct states, in pertinent part: “A justice of the peace or municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding.”

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Gomez failed to comply with the law and demonstrated a fundamental lack of professional competence in the law by (a) privately meeting with witnesses in a criminal case to discuss the merits of the allegations outside the presence of the defendant and a prosecutor, (b) conducting her own independent investigation of the allegations, (c) failing to take a plea from the defendant, (d) failing to advise the defendant of his basic constitutional rights, (e) proceeding to trial in the absence of a prosecutor, (f) finding the defendant guilty when no *prima facie* proof had been presented by a prosecutor, (g) ignoring the defendant’s right to a jury trial, his right to confront and cross-examine his accuser and witnesses, and his right against self-incrimination, (h) failing to render her judgment in open court, and (i) failing to reduce the judgment of conviction to writing. Judge Gomez’ actions in this matter constituted willful violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 3B(2), and 6C(2) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Josie Gomez was Justice of the Peace for Precinct 2 in Crystal City, Zavala County, Texas.

Pursuant to the order, Judge Gomez must obtain **eight (8) hours** of instruction with a mentor in addition to her required judicial education. In particular, the Commission desires that Judge Gomez receive additional education in pretrial and trial procedures in criminal matters, with particular attention to the constitutional rights a criminal defendant has both before and during trial, and what options are available to judges when a prosecutor does not appear to prosecute a criminal trial. In addition to this training, Judge Gomez should sit through and observe at least 2 to 3 criminal trials in a Justice of the Peace court with the mentor.

Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor for Judge Gomez in this case.

Judge Gomez shall complete the additional **eight (8) hours** of instruction recited above within **ninety (90) days** from the date of written notification of the assignment of a mentor. It is Judge Gomez’ responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **eight (8) hours** of instruction described herein, Judge Gomez shall sign and return the Respondent Judge Survey indicating compliance with

this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

Pursuant to the authority contained in Article V, § 1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

The Commission has taken this action with the intent of assisting Judge Gomez in her continued judicial service, as well as in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this _15th___ day of ___June_____, 2007.

ORIGINAL SIGNED BY

Honorable Joseph B. Morris, Chair
State Commission on Judicial Conduct



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 06-0451-JP

PUBLIC ADMONITION

**HONORABLE BOB WALL
JUSTICE OF THE PEACE, PRECINCT 2, PLACE 1
BROWNWOOD, BROWN COUNTY, TEXAS**

During its meeting on June 13-15, 2007, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Bob Wall, Justice of the Peace for Precinct 2, Place 1, in Brownwood, Brown County, Texas. Judge Wall was advised by letter of the Commission's concerns and provided a written response. Judge Wall appeared before the Commission on October 12, 2006 and June 13, 2007, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Bob Wall was Justice of the Peace for Precinct 2, Place 1, in Brownwood, Brown County, Texas.

The Burnett Case

2. On or about January 4, 2005, a bench trial was scheduled to commence at 2 p.m. before Judge Wall in a criminal case involving defendant Burnett.
3. On that same day, Burnett's attorney and the County Attorney were appearing for a hearing in a parental rights termination case taking place in another courtroom across the hall from Judge Wall's courtroom.
4. When it appeared that the CPS case would not be completed in time for either Burnett's attorney or the County Attorney to handle the Burnett case pending in

- Judge Wall's courtroom, steps were taken to notify Judge Wall of the conflict and a request was made to reset the case.
5. Upon learning that neither Burnett's attorney nor the County Attorney were going to appear for the 2 p.m. trial, Judge Wall appointed a local attorney as Special Prosecutor in the case against Burnett and proceeded to trial in the case.
 6. In Burnett's absence, Judge Wall found her guilty of the offense and assessed a fine of \$500.
 7. In his responses to the Commission's inquiry and in his testimony before the Commission, Judge Wall expressed that he often felt that the attorney for Burnett and the County Attorney did not treat him or his court with the proper respect. This disrespectful treatment, among other things, produced strong feelings of resentment especially toward the attorney for Burnett.

The Snider Case

8. On or about May 26, 2005, a hearing was held before Judge Wall regarding a citation issued to Mr. Snider for allegedly violating Section 341.037 of the Texas Health and Safety Code by discharging waste water onto the ground under a mobile home.
9. Snider was convicted of the offense, but was assessed no fine and was given additional time to comply with the law.
10. On or about June 22, 2005, Judge Wall was notified by an officer employed by the Brown County Water District that Snider was again violating the law by discharging effluent into unapproved storage tanks.
11. On that same day, defendant Snider received a "Show Cause-Constructive Contempt" summons from Judge Wall ordering him to appear in court the following day regarding his alleged violation of the court order issued by Judge Wall following the May 26 trial.
12. Snider's attorney was notified of the contempt proceedings on June 23, the day of the hearing, but was unable to make it to court on time or to convince the court to reset the hearing.
13. At the hearing, Snider was found in contempt for violating Judge Wall's May 26 order.
14. Snider was fined \$500 for the new violation and ordered to remove the storage tanks from the property before July 1, 2005 or face a \$100 per day civil penalty.
15. Snider was also fined \$100 for constructive contempt and ordered to install an acceptable septic system or face a \$500 per day civil penalty.
16. The order was subsequently appealed to the Brown County Court at Law.

The West Matter

17. On or about December 9, 2004, Judge Ray West, the Brown County Judge, heard an appeal from Judge Wall's decision to suspend a defendant's driver's license for 180 days.
18. Following a hearing, Judge West probated the suspension for 180 days.

19. Several months later, the defendant appeared before Judge Wall on another offense at which time Judge Wall learned that Judge West had probated the suspension of the defendant's driver's license.
20. In response to this information, Judge Wall wrote a letter to Judge West requesting a meeting to discuss various concerns expressed by Judge Wall regarding the handling of the appeal.
21. After Judge West declined to meet with him, Judge Wall issued a subpoena ordering Judge West to appear in his court on a date and time certain.
22. After a meeting with the Brown County Attorney, Judge Wall withdrew the subpoena.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states: "A judge shall comply with the law"
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge . . . shall maintain professional competence in [the law]."
3. Canon 3B(5) of the Texas Code of Judicial Conduct states: "A judge shall perform judicial duties without bias or prejudice."
4. Canon 3B(8) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Wall failed to comply with the law and demonstrated a lack of professional competence in the law by (a) finding defendant Burnett guilty in absentia; (b) failing to provide adequate notice for the show cause hearing in the contempt case against Snider or allowing Snider the opportunity to find counsel to represent him on such short notice; (c) issuing orders and fines that he had no authority to enforce against Snider pursuant to Section 341.037 of the Health and Safety Code; and (d) issuing a subpoena to compel the County Judge to appear before Judge Wall when no case or proceeding was pending. Judge Wall's actions in all of these matters constituted willful or persistent violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

Moreover, the Commission concludes that based on the history of resentment that had built up within Judge Wall toward the attorney representing Burnett, Judge Wall's decision to go forward with the criminal trial and find Burnett guilty in absentia when the judge knew her attorney and the prosecutor were in trial in a courtroom across the hall was a manifestation of the judge's bias or prejudice against Burnett's attorney, who he felt had routinely treated him without proper respect. As a result of this resentment toward Burnett's attorney, Judge Wall effectively barred Burnett and her counsel from exercising their legal right to be heard in the criminal case. In this regard, Judge Wall's

actions in that case also constituted willful or persistent violations of Canons 3B(5) and 3B(8) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 3B(2), 3B(5) and 3B(8) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Bob Wall, Justice of the Peace for Precinct 2, Place 1, in Brownwood, Brown County, Texas.

Pursuant to the authority contained in Article V, § 1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this __13__ day of ____July_____, 2007.

ORIGINAL SIGNED BY

Honorable Joseph B. Morris, Chair
State Commission on Judicial Conduct